

WO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Dell Rainbow Vanderschuit,

Petitioner,

v.

Charles L Ryan, et al.,

Respondents.

No. CV-15-00915-PHX-JAT

ORDER

Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus ("Petition"). The Magistrate Judge issued a Report and Recommendation ("R&R") (Doc. 44) recommending that the Petition be denied.

Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct "any review at all . . . of any issue that is not the subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).


Based on the foregoing,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc.

1 44) is **ACCEPTED**; accordingly,

- 2 • Petitioner's Petition for Writ of Habeas Corpus is denied and dismissed with
3 prejudice;
- 4 • in the event Petitioner files an appeal and consistent with the unobjected-to
5 recommendation in the R&R (Doc. 44 at 33), the Court denies issuance of a certificate of
6 appealability because jurists of reason would not find the procedural rulings debatable
7 and Petitioner has not made a substantial showing of the denial of a constitutional right;
8 and,
- 9 • the Clerk of the Court shall enter judgment of dismissal with prejudice.

10 Dated this 21st day of September, 2016.

11
12
13
14 
15 James A. Teilborg
16 Senior United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28